Q. F. F. F. Q.

THESES POLITICÆ

DE

HYPOTHESIBUS MONARCHO-MACHORUM NONNULLIS,

Quas

Autoritate Publica

PRO LOCO

IN INCLYTA FACULTATE PHILOSOPHICA

ACADEMIÆ LIPSIENSIS

ritè obtinendo

Solenni exponit diſputationi

die 27. Junii,

H. L. Q. S.

M. GVOLFGANG-MATTHÆUS CHYTRÆUS, Culmbacenſis.

LIPSIÆ,

Ex Officinâ BAUCHIANA.

ANNO M. DC. LVII.

A[illegible]nc alterna Camœnæ, inquit Mantuanus ille. [illegible] gitans ego, cum antehac Vacuum ex Theoretica [illegible]ophia conſideratim, nunc in Practica materiam [illegible] non indignam tractatione Quas nempe habe[illegible] Monarchomachi pro ſumma poteſtate Populo as[illegible], [illegible] eſt, penitius introſpicere, æterno Monarcha[illegible]. Id ut [illegible] fiat termini ſunt prælibandi.

II. [illegible] hic ſumitur non 1. Rhetoricè, ut denotat [illegible] de rebus ſingularibus per circumſtantias [illegible] alia dicitur Thema ſpeciale. non [illegible] at Propoſitiones certas, ſyllogiſmosque [illegible] Hyp[illegible] in contradiſtinctione ad categoricos. [illegible] aliquid ſimpliciter & determina[illegible] ſed 4. Metaphyſice, quomodo dicitur neceſſi[illegible] at [illegible]m, ad quod aliqua [illegible] tanquam fundamento ſuperſtruitur [illegible].

III. [illegible] ſunt ſecta extremè oppoſita alteri, cui [illegible]. Hi docent præeunte Machiavello [illegible] omnia poſſe: Illi verò, Principem nihil poſ[illegible] Marius Salamonius Patritius Ro[illegible] Junius Stephani, Johan Bucherius, [illegible], Hœnonius, Rollæus, & qui ante [illegible] Althuſius, hodie imprimis Puritani in [illegible].

IV. H[illegible] non eadem incedunt via. Quidam rigidè [illegible] depugnant, eamque penitus exſ[illegible]. Quid in [illegible] quidem [illegible] Dominis Regibus ſc. & Princi[illegible] [illegible] Quidam denique [illegible] precario a populo commodatam [illegible] revoca[illegible].

V. Qui primæ ſententiæ ſequaces audiunt, eam injuſtam proclamant & contra jus divinum eſſe augurantur. *Divina detrahere majeſtati ſummam in ſocietate civili poteſtatem*, exſerte *Hænon*, d. g. a. c.

VI. Cumque injuſtum in ordine ad homines ſpectatum dicatur dupliciter tale, [illegible] & in genere morum, qui ex jure naturæ fluunt, vel politice & in genere morum, qui ex jure gentium promanant, utriusqve reſpectu ſummam poteſtatem illi po[illegible] injuſtitiæ. Juri naturæ contravenire dicunt, quia violenta ſit & homines natura liberos jugo ſervitutis premat: Juri gentium verò quia ſumma poteſtas repugnet moribus Regum Spartanorum, hodiernorum Germanorum Imperatorum, Regum exterorum, Barbarorum [illegible]

VII. Quamplurimas falſas hic deprehendimus hypotheſes. Falſum enim eſt, quod præſupponunt 1. *majeſtatem humanam* [illegible] *divina*, cùm hæc illam ordinarit (efficiens autem [illegible] contrarium eſſe ſuo effectu [illegible] hæc ſe ſubordinet, ut conſtat è Tabulis juris divini veteribus & novis paſſim, [illegible] *Deum Imperatori coronam impoſuiſſe*, [illegible] *gratia tale agnoſcere* [illegible] de vet. jur. en[illegible] 2. [illegible] *humanam extendere ſe ad omnia ſive eſſe ſummam* [illegible] *πανταχοῦ τῆς πόλεως* adeoqve in certo [illegible] nempe ſocietatis civilis, in certo ordine, imperan[illegible] circa objecta omnia [illegible] quæ ad finem civit[illegible] ve regendæ Reip. per Leges & magiſtratu[illegible] tuendæ per [illegible] Belli & Pacis inſervientia, ſeſe exerat. 3. [illegible] *ad arbitrium habentis κύριον* & po[illegible] ve[illegible] per[illegible] ſubditorum. Hoc enim qui dixerit, tyrannicam regiam [illegible] confundet & evertet illud [illegible] *fuit, ne facere nos poſſe credendum eſt*. l. 15. ff. de condit. [illegible]

IIX. *Quod jura humana* [illegible] alia iterum [illegible] qvæ [illegible] ſupponent 1. *omne violentum eſſe contra naturam*, itidem omne, quod contra naturam eſt, eſſe contra jus naturæ. Si enim prius foret verum; facinoroſos ſupplicio afficere contra naturam fuerit. Si

poſte-

[illegible] ctores, carnifices vim facerent juri naturali, [illegible] runt naturæ & ſontes puniunt. 2. *omnem ſervitu-* [illegible] *naturam*, cum quædam ſit ſecundum naturam, ut [illegible] putat Ariſtot. l. 1. pol. c. 3.

[illegible] quidem *l. 1. controverſ. illuſtr. c. 11 n 4* hanc [illegible] ſententiam contemnit ut impiam, pro ea tamen ſeqq. [illegible]. Imò deteriora & imperfectiora ſua naturâ [illegible] & perfectioribus, id quod fatetur [illegible] *in præf. Orig Rom* Naturæ lex eſt, omnibus inſi- [illegible] ſemper imperare meliores. Sic videmus beſtias ho- [illegible] & in homine corpus animæ, appetitum ra- [illegible] quibusdam anima videtur corpori ſer- [illegible] eſt, [illegible] d male & præter naturam affecti ſint [illegible] *κατὰ φύσιν ἔχουσι μᾶλλον* [illegible] *διεφθαρμένοις* Quod porro homines alii [illegible] & imperfecti ores, conſpicuum eſt. Quorun- [illegible] ita comparata eſt, ut eorum opus in uſu corpo- [illegible] animus vero abjectus & parum prudens agaxve. [illegible] nes [illegible] Agel laus, ſervos nempe bonos ſed li- [illegible] d quamvis potius de politica ſervitute ſive ſubje- [illegible] dictum ſit, tamen per analogiam ad ſervitutem do- [illegible] accommodari poſſe, [illegible] *Treutl* d. 2. th 2.

[illegible] eſt utile ſaltqve ut [illegible] ſe habeat, id non [illegible].

At [illegible] hominibus utile eſt ſervire & melius ſe ſub [illegible] 20

[illegible] Ec- [illegible] & tandem [illegible] induſtria ſe alere ne- [illegible]

[illegible] tanto aliis corpore ex- [illegible] antecelluit Deorum [illegible] qui his [illegible] propter aliquid naturale nempe

propter ſtaturam) Quod ſi in corpore hoc verum eſt, multa juſtius in animo definitum erit.

X. 3. *Omnes homines natura liberos naſci*, id qvod etiam objiciunt ICti ex § *Libert. Inſt.* [illegible] *libert. l. 4. de juſtit. & jure.* Ad qvod *Arniſæus* jam reſpondit [illegible] pliciter *l. 1. de Rep. c. 1. ſ. 3 n. 1[illegible] & n. 13* ex Thoma, [illegible] ortum [illegible] o & Covarruvia, qvibus addi poteſt naturam [illegible] ſpectari, in hoc & illo individuo. Priori modo verum eſſe non [illegible]

XI. 4. *Omnium ubiq; Regnorum unam eandemq; ſemper rationem & conditionem eſſe.* Cujus præſuppoſiti falſitas [illegible] patefcat, [illegible] ex [illegible] pol. Art. c. 10. Regnum propriè notare illam R[illegible] in qva unus ὁ κατὰ τὴν αὐτοῦ βούλησιν πάντα πράττων [illegible] [illegible] tamen ſalutis publicæ: impropriè aliis R[illegible], q[illegible] in quibus [illegible] n attenditur commune bonum, ut in Barbaris [illegible] reſtricta eſt poteſtas & pleraqve κατὰ νόμον fiunt, [illegible] o. Qvæ igitur talia ſunt v. g. Daniæ, Poloniæ, [illegible] non quadrant & ἀσυλλογίστως ex horum facie [illegible] entia ſ[illegible] mmæ poteſtatis 2. eſt; Varias, ut omnium [illegible] & [illegible] ſæpeſtorum eſſe viciſſitudines, nunc ſurgere ea [illegible] certasqve [illegible] ere cum poteſtate Regis, nunc ruere & jacere. Has verò [illegible] me [illegible] e Regnis vere dictos Reges, nec Regibus ipſis κύριον. Sic ex eo qvod Regnum Spartanum tempore Ephororum & Lycurgi, Athenienſe poſt mortem Codri & Prætorium [illegible] teſtatem in Democratiam tranſiit, Germanicum poſt temp[illegible] o a Heinrico [illegible] in Ariſtocratiam, non ſeqvitur Reges illorum non habuiſſe ſummam poteſtatem. Apud Spartanos enim primis temporibus, apud Athenienſes, Romanos, apud priſcos Germanos, apud Gallos, Hiſpanos, Anglos, Bohemos, qvinimo Barbaros ſemper fuere, qui ſummam poteſtatem tenuerunt, qvod nube teſtium [illegible] oſtendi poſſet.

XII. Hactenus prima claſſis illorum, qui contra Majeſtatem ipſam directe & aperto Marte dimicant. Videndum nunc quoque, an *ſumma poteſtas reſideat apud Populum?*

XIII. Ajentes præſupponunt 1. Nullos Reges *eſſe proprietarios*

[illegible] *ſua jura ſumma majeſtatis pleno proprietatis jure poſſidere* ſed [illegible] ſolum procuratores eſſe & Gubernatores, Reip. [illegible] & Duces belli, quales Αἰσυμνῆται Græcis, Dictatores [illegible] *Bodin. l. 1. de Rep.* vel uſufructuarios, qui primum electi vel [illegible] ordine ſucceſſerunt.

XIV. Omninò autem proprietarii Reges ſunt, qui vel *ju-ſto* [illegible] imperium quæſiverunt (quod naturæ non minus congruit, [illegible] ſervitus ipſa jure iſto introducta, quantumvis *Scot l. 4. ſen-* [illegible] *46. q. 1. & Bodin. de Rep. c. 5.* eam tanquam naturæ adver[illegible] [illegible] *beneficiorum* magnitudine, ut apud Atheni[illegible] [illegible] Theſeus, Melanthus, Comites in Friſia orientali in[illegible] [illegible] Guſtavica regia familia & Medicea gens in Florentino [illegible] *de mutationibus*, ut Romulus jure civitatis ſuæ popu[illegible] [illegible]s.

XV. Ad hos pertinent ii etiam, in quorum ditionem ſe [illegible] aliquis dedit vel majoris mali vitandi gratia, veluti metu, [illegible] cogitetur, quomodo populus Campanus robore ju[illegible] ſuæ oc[illegible]o & vexatus à Samnitibus in Romanorum ſubje[illegible] *ſe urbemque Capuam, agros, delubra DEum, divina hu-* [illegible] *omnia dedidit*, ut eſt apud *Liv. l. 7* & in Corinthiorum [illegible] Thucydides Æquè ac Patrum memoriâ Flandri [illegible] Antonii Ducis Hollandi in Eliſabetæ Angliæ [illegible] ceſſerunt. Si & ſenatus populusque Rom. cùm ad [illegible] redactæ [illegible], ne perirent plane, imperium Au[illegible] [illegible] lege Regia.

XVI. Vel [illegible] ſua nullaque gravi de cauſa ſe po[illegible] [illegible] ectelur alien[illegible] ſubeſſe imperio. Quale [illegible] apud *Juſt*[illegible] 38 G[illegible]rum, Mylorum, [illegible] alterius plus gaudent, quam libertate ſuâ [illegible]

XVII. *2. Exercitium ſummi Imperii proxime à conſenſu & ſuffragiis populi dependere.* [illegible] eſſe indicant non ſaltem re[illegible] [illegible] regna quædam electitia [illegible] electio ſæpe [illegible] vel nobilium [illegible]orum decretis dependet, tum ipſi De-

mocra-

mocratiæ hoc non conceſſerint. Fere quilibet pauló potentior Popularis ſtatus imperat aliis, ſine reſpectu ad conſenſionem parentium. Tale jus in provincias ſibi tribuerunt Populus Athenienſ. & Roman. Tale hodie Helvetii, Rhæti, Angli, Tale urbes imperii noſtri liberæ in pagos vicinos.

XVIII. 3. *Verum nullum eſſe Principem, antequam homagium accedat.* Quaſi ſcilicet Homagio tanta vis inſit, ut ab eodem omnis principum & Comitum etiam hæreditariorum autoritas pendeat. Potius ſ quidem eſt ritus tam eos qui præſunt, quam qui ſubſunt, officii ſui monens & ad ſanctitatem fidei ſervandam Deo teſte & vindice. Religionis enim occultum eſt in animos imperium [illegible] adigens. Eſt quoque Ritus non perpetuus. Plinius in *Panegyr. de Trajano* loquens rem *novam & nunquam antehac auditam* nominat, quod *iuret is, per quem juramus.* *Budino* in cognitione inter Reges Etruſcorum *l. 1. c. 8. de Rep. 2.* non ſemper eſt [illegible] 3. Acceſſorium ſaltim quiddam eſt vel *βεβαίωμα* obligationis, qua utraque pars alias ſibi obſtricta tenebatur 4. nec Remp. intrinſecè afficiens nec Majeſtatem lædens. Ritus tamen [illegible] ſi res loci id exigit.

XVIIII. 4. *Majeſtatem ſaltim perſonalem eſſe penes imperantes, quæ cum iis intercidat: realem vero ceu fundamentum perſonalis Populo* inhærere *perpetuò illamq; huic tanquam ſuperiori* obſtringi.

XX. Sed diviſio hæc 1. implicat contradictionem inſignem. Scribunt enim qui eâ utuntur, majeſtatem eſſe ſummam poteſtatem. Summam poteſtatem dicunt, quæ præter DEum ſuperiorem inter homines non agnoſcat. Et hi ipſi tamen ſimul Reges ipſamque majeſtatem alicui ſuperiori inter homines præter DEum ſubjiciunt, dum ſcribunt, majeſtatem perſonalem, quam Reges eſſe dicunt, eſſe majeſtati imperii ſive reali tanquam ſuperiori obſtrictam.

XXI. 2. Non poteſt commodè defendi. *Reinh. Konig. p. 1. pol. c. 23. n. 12* Majeſtatem realem impropriè & *μεταφορικῶς* dici majeſtatem ſcribit: Ratio ejus eſt, quod propriè & *ἀκριβῶς* loquendo ma-

[illegible] non in re animata. Realem autem majeſtatem exiſti-[illegible] re animata, cùm non ipſi monarchæ inhæreat, [illegible] ſive regno.

XXII. [illegible] 1. Si majeſtas realis imperio inhæret etiam ho-[illegible] inhæret & [illegible] rebus animatis, quia imperium vel pro ipſis [illegible] vel certè hominibus ineſt. 2. Si realis ma-[illegible] non eſt propriè majeſtas Ergò nulla dabitur propriè di-[illegible] majeſtas ergo nulla datur. Prior conſeqventia patet, quia [illegible] majeſtas non eſt propriè majeſtas, quia, ut ipſi volunt, [illegible] ſuperiorem. Si enim duplicem tantum conſtituunt [illegible] & utraque eſt impropriè dicta, nullam dari pro-[illegible] ſequitur. Conſeqventia poſterior probatur, [illegible] non eſt propriè tale, illud non eſt tale & quod propriè [illegible] non datur illud non datur, ſicut cadaver, quod propriè [illegible] homo, abſolutè non eſt homo & ſi non daretur homo pro-[illegible], nullus daretur homo.

XXIII. Ex quibus conſtat, non poſſe conſtitui duas ſpecies [illegible] quarum una ſit inferior altera, quibuscumq; tandem [illegible] appellentur, [illegible], qvæ poteſtas ſuperiorem agnoſcit, [illegible] poteſtas & ſic neq; majeſtas.

XXIV. Quod ſi quis ita explicet illam diviſionem, ut di-[illegible] majeſtates eſſe æquales, ex Rep. monſtrum effic[illegible]. [illegible] ſunt aut utraq; eſt ſumma aut neutra. Utrumqve [illegible]. Tertium [illegible], quia cum Reſp. ſit ordo Civi-[illegible] ſummam poteſtatem ex Ariſtot. 3. Polit. c. 4. Uni-[illegible] requirit unam ſummam poteſtatem ſi g. in una [illegible] eſſent duæ ſummæ poteſtates, una Reſpublica non [illegible], tum [illegible] [illegible] poteſtas ali-[illegible] & ſumma [illegible] eſſe eſſet, cum Reſp. [illegible] & aliis daretur progreſſus in infini-[illegible] ponenda eſſet tertia ſpecies majeſtatis ab [illegible] dua-[illegible]

XXV. Ex ratione ſummi præterea argumenteris: Sum-[illegible], ſupra quod nihil eſt, ipſum autem eſt ſupra reliqua om-

nia. Jam ſi poſitæ duæ majeſtates ſunt æquales aut utraq; eſt ſuperior alterâ aut neutra. Si illud; neutra eſt ſumma poteſtas & ſic neqve majeſtas, quia ſummum eſt quo nihil eſt ſuperius. Si hoc, iterum neutra eſt ſumma poteſtas, quia ſummum eſt, quod eſt ſupra reliqva omnia.

XXVI. Seq[illegible]tur tertius Ordo aſſerens populum conſtitutione vel electione ſua non niſi uſum fructumque [illegible] Principibus commodaſſe, poſſesſionis jure ſibi in perpetu[illegible] reſervato, idque repet[illegible]re, Principem accuſare, damnare, deponere ultimoque ſupplicio afficere eum poſſe.

XXVII. Hi præſupponunt 1 *omnes conſtitutiones perpetuo à voluntate ſive Poteſtate con[illegible]ituentis pendere.* Conſtitutio enim hæc, q[illegible]a poteſtas ſumma Majeſtati defertur, ab [illegible]nitio q[illegible]dé vol[illegible] eſt, poſtea veró effectum habet neceſſitatis. Quemadmodu[illegible] mulier poſteaq[illegible]am ſibi virum con[illegible]ituit, in mariti tranſit p[illegible]teſtatem quam nunquam repetere poteſt, verba ſunt Excell. Thomaſii, ita liber populus, cum Regem ſibi eligit ſine cond[illegible]one, ſe perpetuó ſubdit[illegible]m facit & [illegible]ra illi omnia cedit. non ali[illegible]er quam ſi q[illegible]is p[illegible]ra donatione rei ſuæ dominium & poſſeſſionem alteri trad[illegible]t.

XXIIX. 2. *Communica[illegible] ive ſaltem col[illegible]atam eſſe in Imperante[illegible] poteſtatem.* Sed hoc & Monarchiæ & [illegible]rium privative transferendoru[illegible] ratione[illegible] [illegible]ruit. Affirma[illegible]um puta Coraſii, Conna[illegible], Salam[illegible]nii a[illegible]enta diluta vide apud *Surbolt de [illegible]* [illegible].

XXIX. [illegible] *F[illegible]em omnium Regnorum eſſe communem [illegible] [illegible] omni[illegible] [illegible] [illegible] pro fine habere perfectam beati[illegible] [illegible] [illegible] eam [illegible], non eſſe verum Principem ſed tyrannum & pro[illegible]de po[illegible] [illegible] moveri.* Quæ aſſertio certé diſcri[illegible]en Rerum[illegible]p. & varios hues variaque imperii humani genera confun[illegible]t.

XXX. Philoſophus 3. polit. 6. Civitatis finem ſive ut ipſe loqnitur, [illegible] χάριν συνέστηκε πόλις, facit triplicem I. mutuum a[illegible] [illegible] h[illegible]n, tum adverſus belluarum injurias. Il[illegible] quo[illegible] ho[illegible] compule[illegible], ad colendam ſocietatem. eſt

ſolum

[illegible] quia omni homini, quanquam ſervus ſit, jucundum tamen eſt [illegible] intueri, ut ille apud Euripidem inquit III. eſt [illegible] emolumentum Quod Philoſopho ibid. μάλιϛα [illegible] dicitur deſcribiturq; τὸ κοινῇ συμφέρον καθ' ὅσον ἐπιβάλλει ἑκάϛῳ μέρος [illegible] ζῆν καλῶς, in quantum ſingulis confert partem [illegible] beateq[ue] vivendi.

XXXI. De variis Imperii humani generibus agit tum 8. Eth. c. 12, tum 1 pol. c. ead. demonſtrat ex natura ſimplicium ſocietatum herilis & paternæ, ceu partium civilis. In domo duplex eſt imperium, herile [illegible] in ſervos & paternum patris in liberos. Jam [illegible] Dominus præcipue ſuam ſpectat utilitatem. ſervi [illegible] ut per eum & ſibi & [illegible] conſulat. [illegible] γὰρ [illegible] [illegible] τὴν δεσποτείαν In paterno imperio [illegible] quibus præeſt, ſuam vero [illegible] 3. pol. c. 6. N[illegible] Paleſtrita & navium gubernator præcipue [illegible] d[illegible]rum utilitate, quibus operam ſuam addixit [illegible] ſua.

XXXII. Sicut igitur in domo aliud imperium ſuam ſpectat [illegible] herile, aliud publicam [illegible] domus partis [illegible] paternum; Pari modo in Rebuſpubl. [illegible] [illegible] ſunt imperia [illegible] privatum ſpectat imperantium commodum [illegible] publicum.

XXXIII. Quod igitur Civilis ſocietatis non idem ſemper eſt [illegible] genera, quis non videt [illegible] eſſe [illegible] Tribunorum doct[illegible] morum [illegible] replicantis [illegible] adaptant & terminos [illegible] Principe poſitos & dilatatos tam a[illegible] [illegible] pervenirunt.

XXXIV. Sed hæc [illegible] ceu [illegible] pro magnis Imperiis [illegible] Veritati [illegible] amentum hâc [illegible] eſſe [illegible] Immortali regnorum [illegible]

Corollaria.

Nulla re magis depravatur veritas Theologiæ, quam inſcitiâ veræ & ſolidæ Philoſophiæ. Schegkius.

Ex duabus præmiſſis, una naturali & altera revelata, ſequitur Concluſio, quæ naturaliter cognoſci nequit.

Contradictoria ſunt contra ſcripturam.

Liberi arbitrii formalis ratio conſiſtit in indifferentia ad utrumlibet.

An in Phyſicis Ariſtotelis libris demonſtrationes inveniantur?

Ex falſis ſuppoſitionibus veræ neceſſariæq; elici poſſunt concluſiones.

An mandatum Principis excuſet proximos Conſiliarios & miniſtros in delictis & in quibus adverſus Rempublicam & Leges eſt peccatum, eosque præſtare poſſit impunitos?

FINIS.